

REMARKS:

In the rejection mailed 10 November 2004 the Examiner has rejected applicants' claims 1-15.

Claims 1, 3, 4, 6, 8-15 have been rejected under 35 U.S.C. §102(b) as being anticipated by Wiegman. Claims 2, 5 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wiegman in view of Jones.

In view of the Examiner's findings, applicants have now modified claims 1, 5, 6, 7, 9, 10 and 14, added claims 16 and 17 and has canceled claim 2. Specifically, applicant has inserted that the longitudinal members of the guide are resiliently spaced from one another in independent claims 1, 6 and 9. Additionally, the resilient members are positioned between and in contact with each of the longitudinal members. The resilient members also maintain a space between the longitudinal members to allow the guide to receive the measuring device therebetween. Claims 5, 7 and 10 have been amended to correspond with the amendments made to the claims from which each depends. Claims 16 and 17 further describe the interaction between the base and the level of the measuring device whereby the level extends normally from the base when the measuring device is in a fully opened position.


It is believed that applicants' device as now claimed

differentiates over the prior art of record. Specifically, the patents of Weigman and Jones whether such art is considered severally under §102 or in combination under §103 as such art fails to teach maintaining the longitudinal members of the guide spaced from one another by placing a resilient member between and in contact with each of the longitudinal members. The specification and drawings have also been amended as set forth herein to more closely reflect the interactions of the elements as taught by the specification and drawings of applicants' invention. No new matter has been included.

Applicants now believe that all claims are in condition for allowance and such allowance is earnestly solicited at the Examiner's earliest convenience.

Respectfully submitted,

By:



Walter L. Beavers

Attorney For Applicant

Registration No. 26,704

326 South Eugene Street

Greensboro, North Carolina 27401

Telephone: (336) 275-7601

Facsimile: (336) 275-2009

E-mail: wbeavers@bellsouth.net

I do hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this the 02<sup>nd</sup> day of February, 2005.

  
Walter L. Beavers

IN THE DRAWINGS:

Please replace the two (2) drawing sheets containing Figs. 1, 2, 5 and 6 with the "Replacement Sheets" included herewith. The corrections are shown in red ink on the two (2) sheets labeled "Annotated Marked-Up Drawings" also included, and reflect the following modifications:

- 1) In Fig. 1, moving reference no. 24 from base 11 to level 12; and
- 2) In Fig. 2, removing reference no. 24 from base 11.

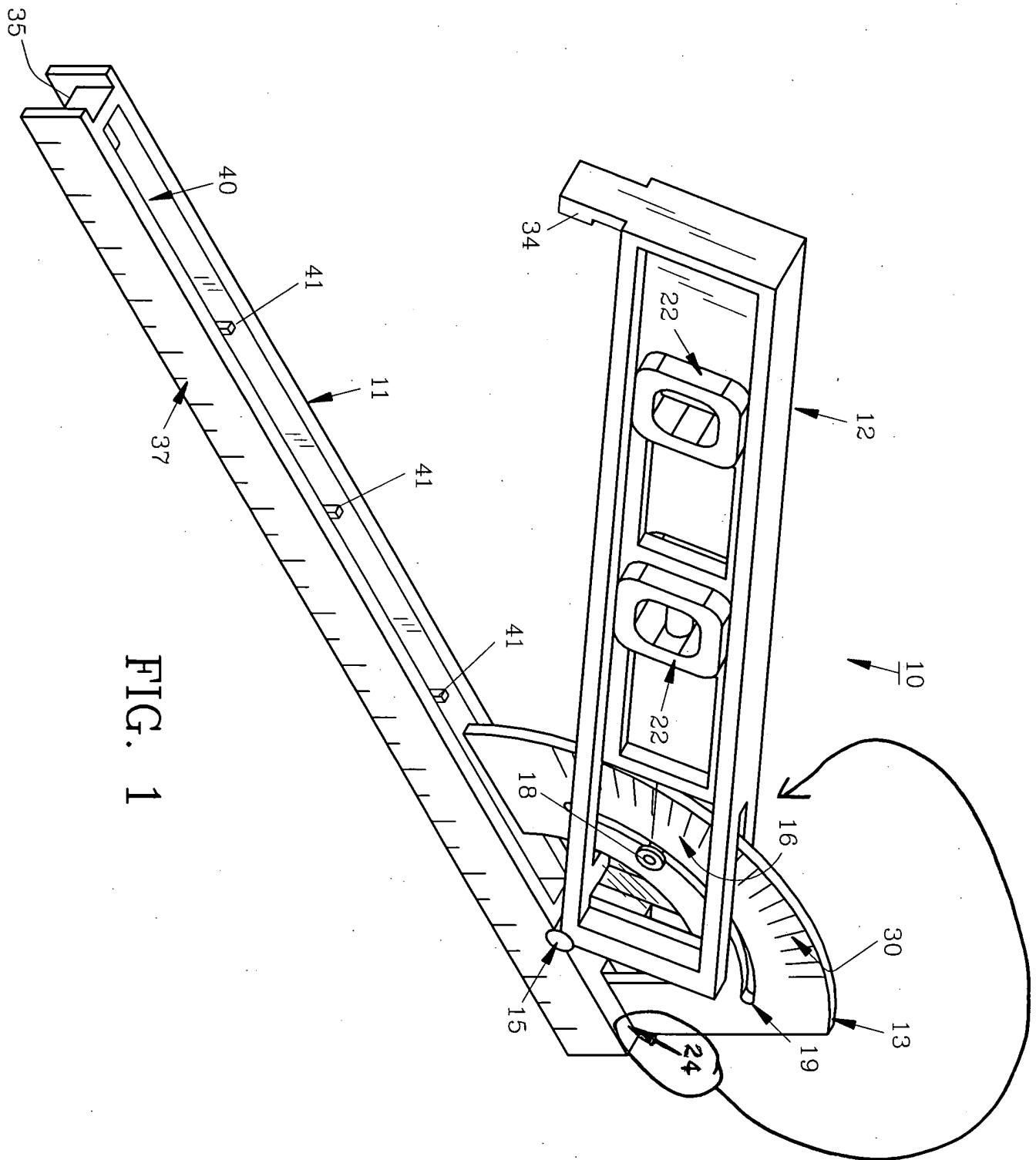


FIG. 1

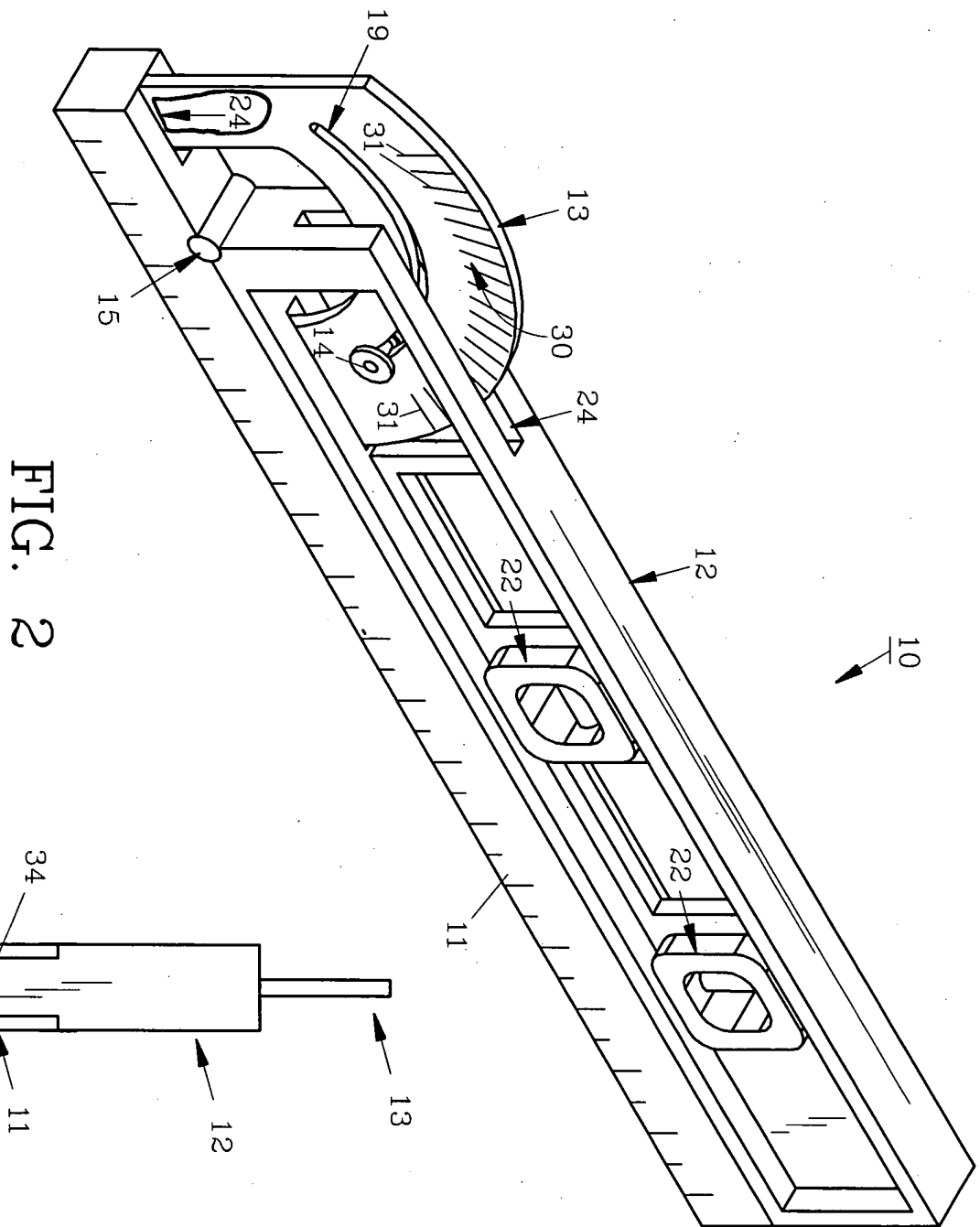


FIG. 2

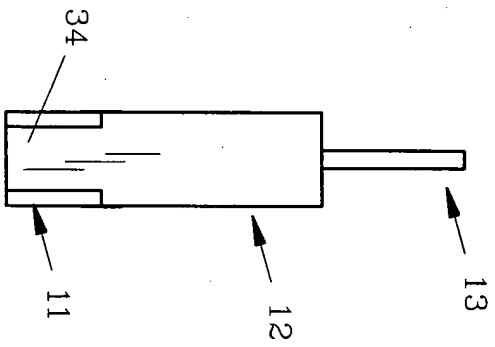


FIG. 5

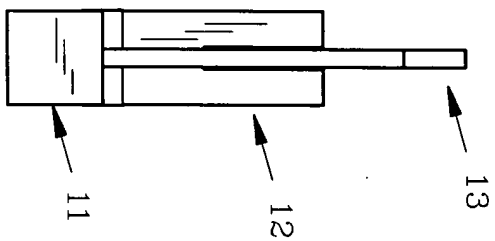


FIG. 6